

the judgment and the time limited for appeal, such justice may take the time taken for appeal at any time before he has delivered his docket to his successor, and give him a transcript of the transcript. After the delivery of the docket, the undertaking shall be given to his successor and it shall be his duty to give the transcript and do and perform all things required of his predecessor.

ARTICLE X.

Of the action for the forcible entry and detention or forcible detention only of property.

Sec. 125. Any Justice, within his proper county, shall have power to enquire in the manner hereinafter directed, as to whether those who make unlawful and forcible entry into lands and tenements; and detain the same, as against those who have a lawful and peaceable entry into lands or tenements unlawfully, and by force hold the same; and if it be found upon such enquiry that an unlawful and forcible entry has been made, and that the same, after a lawful entry, lands and tenements are held by force or that the same are held unlawfully, then the Justice shall cause the party complaining, to have restitution thereof.

Sec. 126. Proceedings under this Article may be had in all cases against tenants holding over their terms; in sales of real estate, on executions, orders, or other judicial process, when the judgment debtor is in possession at the time of the rendition of the judgment or decree, by virtue of which such sale was made; in sales by executors, administrators, guardians, and on partition, where any of the parties to the partition were in possession at the commencement of the suit, after such sales, so made on execution, or otherwise shall have been examined by the proper court, and the same by said court adjudged legal; and in cases where the defendant is a settlor, or occupier of lands or tenements, without color of title, and to which the complainant has the right of possession; this section not to be construed as limiting the provision of the first section of this article.

Sec. 127. Judgment either before the justice, or in the court of common pleas, under this article, shall not be a bar to any after action brought by either party.

Sec. 128. It shall be the duty of the party desiring to commence an action under this article, to notify the adverse party to leave the premises, for the possession of which the action is about to be brought, which notice shall be served at least three days before the commencing the action, by leaving a written copy with the defendant or at his usual place of abode, if he cannot be found.

Sec. 129. The summons shall not issue herein until the plaintiff shall have filed his complaint in writing with the Justice, which shall particularly describe the premises so entered upon or detained, and shall set forth either an unlawful and forcible entry and detention, or an unlawful and forcible detention after a peaceable or lawful entry of the described premises. The complaint shall be copied into and made apart of the record.

Sec. 130. The summons shall be issued and directed, shall state the cause of complaint, and the time and place of trial shall be served and returned as in other cases; such service shall be three days before the day of trial appointed by the Justice.

Sec. 131. If the defendant does not appear in accordance with the requisitions of the summons, and it shall have been properly served, the Justice shall try the cause as though he was present.

Sec. 132. No continuance shall be granted for a longer period than eight days unless the defendant applying therefor, shall give an undertaking to the adverse party, with good and sufficient surety to be approved by the Justice, conditioned for the payment of the rent that may accrue, if judgment be rendered against the defendant.

Sec. 133. If the suit be not continued, place of trial changed, or neither party demand a jury upon the return day of the summons, the Justice shall try the cause; and if, after hearing the evidence, he shall conclude that the complaint is not true, he shall enter judgment against the plaintiff for costs; if he find the complaint true, he shall render a general judgment against the defendant and in favor of the plaintiff for restitution of the premises and costs of suit; if he find the complaint true in part, he shall render a judgment for the restitution of such part only, and the costs shall be taxed as the Justice shall deem just and equitable.

Sec. 134. If a jury be demanded by either party, the proceeding, until the empanelling thereof, shall be in all respects as in other cases. The jury shall be sworn and sworn to, to well and truly try and determine whether the complaint of [naming the plaintiff] about to be laid before them, is true according to the evidence. If the jury shall find the complaint true, they shall render a general verdict of not guilty; if true in part, then a verdict setting forth the facts they find true.

Sec. 135. The Justice shall enter the verdict upon his docket, and shall render such judgment in the action as if the facts authorizing the finding of such verdict had been found to be true by himself.

Sec. 136. Exceptions to the opinion of the Justice, in cases under this Article, upon questions of law and evidence, may be taken by either party, whether tried by jury or otherwise.

Sec. 137. Where a judgment of restitution shall be entered by a Justice, he shall, at the request of the plaintiff, his agent or attorney, issue a writ of execution thereon, which shall be in the following form, as near as practicable:

The State of Ohio, ——— county:

To any Constable of ——— township:

Whereas in a certain action for the

forcible entry and detention, (or the forcible detention, as the case may be,) of the following described premises; to wit: ———, lately tried before me, within ——— was plaintiff, and ——— was defendant, ——— judgment was rendered on the ——— day of ——— A. D. ——— that the plaintiff have restitution of said premises; and also that he recover costs in the sum of ———. You, therefore, are hereby commanded to cause the defendant to be forthwith removed from said premises, and the said plaintiff to have restitution of the same; also that you levy of the goods and chattels of the said defendant, and make the costs and of this writ make legal service and due return.

Witness my hand this ——— day of ——— A. D. ———

Justice of the Peace.

Sec. 138. The officer shall, within ten days after receiving the writ, execute the same by restoring the plaintiff to the possession of the premises, and shall levy and collect the costs and make return, as upon other executions. If the officer shall receive a notice from the Justice that the proceedings have been stayed, by an allowance of a writ of error, he shall immediately delay all further proceedings upon the execution; and if the premises have been restored to the plaintiff, he shall immediately place the defendant in the possession thereof, and return the writ with his proceedings and costs taxed thereon.

ARTICLE XI.

Of the return of Property.

Sec. 139. The plaintiff may recover the possession of the specific personal property of less value than one hundred dollars, before a Justice of the Peace, as herein provided.

Sec. 140. An action for this purpose, shall not be brought until there is filed in the office of the Justice, an affidavit of the plaintiff, his agent or attorney showing:

1—A description of the property claimed;

2—that the plaintiff is the owner thereof, or has a special ownership therein, stating the facts in relation thereto, and that he is entitled to the immediate possession of the property;

3—that the property is wrongfully detained by the defendant;

4—that it was not taken in execution on any order or judgment against said plaintiff, or for the payment of any tax, fine or arrearage assessed against him, or by virtue of an order of delivery issued under this article, or any other process or final process issued against his plaintiff.

Sec. 141. Upon such affidavit being made and filed with the Justice, he shall issue a summons as in other cases, but in addition commanding the constable immediately to seize and take into his custody wherever they may be found in the county, the goods and chattels mentioned in the affidavit, and deliver the same to the plaintiff.

Sec. 142. The constable shall execute the writ by taking the property therein mentioned. He shall also deliver a copy of the summons to the persons charged with the unlawful detention of property, or leave such a copy at his usual place of residence, and shall make return of the time and manner of service, the appraisal of the property and any undertaking taken by him.

Sec. 143. The constable shall not deliver to the plaintiff, his agent or attorney the property so taken until there has been executed by one or more sufficient sureties of the plaintiff, a written undertaking to the defendant in at least double the value of the property taken; but in no case less than fifty dollars, to the effect that the plaintiff shall duly prosecute the action and pay all costs and damages which may be awarded against him.

Sec. 144. For the purpose of fixing the amount of the undertaking, the value of the property taken shall be ascertained by the oath of two responsible persons whom the constable shall swear truly to assess the value thereof.

Sec. 145. Whenever the appraised value of the property so taken, shall exceed one hundred dollars, the Justice shall certify the proceedings upon said writ to the court of common pleas of his county, and thereupon shall file the original paper, together with a certified transcript of his docket entries in the clerk's office of said court, the case there to be proceeded in as if such suit had commenced in said court.

Sec. 146. If the undertaking required by section one hundred and forty-three be not given within twenty-four hours from the taking of the property under said order, the officer shall return the property to the defendant. And if the officer deliver any property so taken, to the plaintiff, his agent or attorney, to keep the same from the defendant, without taking such security within the time aforesaid, or if he take insufficient security, he shall be liable to the defendant in damages.

Sec. 147. If the property have been delivered to the plaintiff, and judgment be rendered against him, or if he otherwise fail to prosecute his action to final judgment, the Justice shall, on application of the defendant, or his attorney, impanel a jury to inquire into the right of possession of the defendant to the property taken. If the jury shall be satisfied the said property was the property of the defendant at the commencement of the action, or if they shall find that the defendant was entitled to the possession only of the same at such time, then and in either case, they shall assess such damages for the defendant as are right and proper; for

which, with costs of suit, the Justice shall render judgment for the defendant.

Sec. 148. In all cases, when the property has been delivered to the plaintiff where the jury shall find for the defendant they shall also find, whether the defendant had the right of property, or the right of possession only, at the commencement of the suit; and if they find either in his favor, they shall assess such damages, as they think right and proper for the defendant, for which, with costs of suit, the court shall render judgment for the defendant.

Sec. 149. In all cases when the property has been delivered to the plaintiff, where the jury shall find for the plaintiff, on trial or inquiry of damages, they shall assess adequate damages to the plaintiff for the illegal detention of the property, for which with costs of suit, the Justice shall render judgment against the defendant.

Sec. 150. When the property claimed, has not been taken, or has been returned to the defendant, for want of the undertaking required by section one hundred and forty-three, the action may proceed as one for damages only, and the plaintiff shall be entitled to such damages as are right and proper to be returned for want of the undertaking required by said section, the plaintiff shall pay all costs made by taking the same.

Sec. 151. The constable in executing the writ, may break open any building, or enclosure, in which the property claimed or any part thereof is concealed; but not until he has been refused an entrance into said building or enclosure, and the delivery of the property, after having demanded the same.

Sec. 152. No suit shall be instituted on the undertaking given under section one hundred and forty-three before an execution issued on a judgment in favor of the defendant in the action, shall have been returned, that sufficient property, whereon to levy and make the amount of such judgment; cannot be found in the county.

Sec. 153. If any Justice shall issue a writ to replevin property, as is provided by this article, without the affidavit being made and filed in his office, as is provided in section one hundred and forty-three, the same shall be set aside at his costs, and he shall be liable in damages to the party injured.

ARTICLE XII.

Execution—return—stay of execution—notice of sale—distress—undertaking.

Sec. 154. Execution for the enforcement of a judgment before a Justice of the Peace (except when it has been taken to the Common Pleas on error, or appeal or docketed therein, or during the time it may be stayed, as provided by this act,) may issue by the Justice before whom the judgment may be rendered or by his successor in office, on the application of the party entitled thereto, at any time within five years from the entry of the judgment, or the date of the last execution issued thereon.

Sec. 155. It shall be the duty of the Justice, if the case be not appealed, taken up on error, docketed in the common pleas, or bail has not been given for the stay of execution at the expiration of ten days from the entry of judgment, to issue execution without a demand, and proceed to collect the judgment unless otherwise directed by the judgment creditor.

Sec. 156. Any person against whom judgment may be rendered under the provisions of this act, except as hereinafter excepted, may have stay of execution for the several periods hereinafter mentioned, by entering into an undertaking to the adverse party, within ten days after the rendition of such judgment, with good and sufficient surety, resident of the county, as the Justice shall approve, conditioned for the payment of the amount of such judgment, interests and costs, and costs that may accrue; which undertaking shall be entered on the docket of the Justice, and be signed by the surety.

Sec. 157. The stay of execution hereby authorized, shall be graduated as follows, namely:

First: On any judgment for five dollars and under, the stay shall be for sixty days.

Second: On any judgment exceeding five dollars, and under twenty dollars, the stay shall be for ninety days.

Third: On any judgment for twenty dollars, and under fifty dollars, the stay shall be for one hundred and fifty days.

Fourth: On any judgment for fifty dollars or upwards, the stay shall be for two hundred and forty days.

Fifth: Where judgment is obtained against a surety, and he takes a stay thereon, and he obtains judgment against the principal, stay of execution must be allowed on the judgment against the principal only so long that the stay will expire one month before that allowed to the surety on the judgment against him.

Sec. 158. No stay of execution on judgment rendered in the following cases shall be allowed:

1—On judgments rendered against Justices of the Peace for refusing to pay over money by them collected, or received in their official capacity.

2—On judgments against Justices for not reporting annually to the auditor all fines, as required by law.

3—On any judgment rendered against a constable for failing to make return, making a false return, or refusing to pay over money collected in his official capacity.

4—On judgments against bail for the stay of execution.

5—Where judgment is rendered in favor of bail who have been compelled by

judgment to pay money on account of their principal.

6—On judgments obtained by constables on undertakings executed to them for the delivery of property.

Sec. 159. If the execution issued before the undertaking for stay, or that required in case of appeal be given, and such undertaking be given afterwards, and within the time allowed, the Justice shall recall the execution.

Sec. 160. When any person who has become bail for stay of execution, shall remove before the expiration of such stay into any other county or State, the Justice shall, on demand, issue execution against the goods and chattels of the defendant, or other party against whom the original judgment was rendered to be proceeded with as in other cases.

Sec. 161. When any surety for the stay of execution shall become apprehensive that by delaying the execution until the expiration of the full time of such stay he or she may be compelled to pay the judgment, it shall be lawful for such surety to make and file affidavit of that fact, before the Justice on whose docket the judgment is entered; whereupon such Justice shall issue such execution against the judgment debtor, which shall be proceeded in as in other cases; Provided such bail shall not thereby be discharged from liability, but may be proceeded against after the expiration of the term of stay, in the same manner as if execution had not issued as aforesaid.

Sec. 162. If the judgment debtor shall within ten days after levying such execution enter into a further undertaking for the stay of execution, during so much of the first stay as remains then unexpired, and shall pay the costs of the execution issued against him, as aforesaid, it shall be the duty of the Justice to take such further undertaking, and recall the execution; and the person who last became surety, shall first be proceeded against, until it shall be apparent by the return of the constable, that he or she has no goods and chattels whereon to levy, before proceedings shall be instituted on the undertaking first given.

Sec. 163. When any judgment shall be obtained against any person who shall have entered himself bail on the docket of any Justice of the Peace, agreeable to the provisions of this act, the original judgment shall remain good and valid in law, for the use of such bail; who, at any time thereafter, may sue out execution, on such judgment, against the goods and chattels of the defendant, for the use of such bail, which shall be so endorsed by the Justice; and such bail shall also be entitled to a transcript of such judgment for his own use; which shall have the same force and effect as transcript in other cases.

Sec. 164. At any time before the stay shall expire, if the Justice taking the surety, or his successor in office, shall become satisfied that the surety is insufficient, it shall be his duty to cause written notice thereof to be given to the defendant, or if he be absent, that the same be left at his residence, requiring him to give additional surety. If such defendant shall not have given such additional surety, on or by the third day after the giving such notice, and such fact shall be entered on the docket, and he shall immediately issue execution against the defendant for the collection of the judgment. If within ten days after the issuing of such execution surety to the satisfaction of the Justice be given, the execution shall be recalled and stayed until the expiration of the original stay.

Sec. 165. The execution must be directed to the constable of the county, and subscribed by the Justice by whom the judgment was rendered, or by his successor in office; and must bear date the day of its delivery to the officer, to be executed. It must intelligibly refer to the judgment by stating the names of the parties and the name of the Justice before whom, and of the county and township where, and the time when it was rendered, the amount of the judgment, and if less than the whole is due, the true amount due thereon. It must require the constable substantially as follows:

1—If it be a case where the defendant cannot be arrested, it must direct the officer to collect the amount of the judgment out of the personal property of the debtor, and pay the same to the party entitled thereto.

2—If it be a case where any of the judgment debtors are certified on the docket as surety, it shall command that the money be made of the personal property of the principal debtor, and for want thereof of the personal property of the surety. In such cases, the personal property of the principal subject to execution before the jurisdiction shall be exhausted within any of the property of the bail shall be taken in execution.

3—If it be a case where the defendant may be arrested, in addition to the foregoing, it must direct the officer, if sufficient property of the defendant subject to the execution cannot be found to satisfy the judgment, that he arrest the debtor and commit him to the jail of the county until he pay the judgment, or be discharged according to law, unless the execution be accompanied by an order of arrest, as provided in sections twenty-six and twenty-seven.

4—It must in all cases direct the officer to make return of the execution and a certificate thereon, showing the manner in which he has executed the same, in thirty days from the time of his receipt thereof.

Sec. 166. Upon an execution on a judgment against joint debtors, upon one or more of whom the summons was not served, the execution must contain a direction to collect the amount out of the joint property of all the defendants, or the separate property of the persons upon

whom the summons was served, to be specified by name. If such judgment be also such that the defendants are subject to arrest thereon, the Justice must further specify the names of those defendants served with the summons, who may be arrested for want of property.

Sec. 167. A constable may, at his peril, omit to arrest a debtor, or after arrest, suffer him to go at large before the return day, subject only to his liability for an escape, or for omitting to arrest if he fail to have either the money or the person of his debtor in custody at the expiration of the thirty days.

Sec. 168. It shall be lawful for the sheriff or jailor, receiving any person imprisoned on execution issued in any civil proceeding at any time when there is no money in his hands to pay for the sureness of such prisoner, to discharge him from prison. The jailor may, however detain such prisoner, the adverse party being liable for such sustenance.

Sec. 169. The debtor committed as herein provided, may be held in prison ten days, and if he be a person without a family, for which he provides, one day in addition for every dollar over ten due on the execution, or if he have a family for which he provides, one day in addition for every two dollars over twenty due on the execution.

Sec. 170. The affidavit of an imprisoned debtor, that he has a family for which he provides, specifying by name, one or more persons, members of such family, and the place of their residence, is sufficient evidence thereof to authorize his discharge by the jailor.

Sec. 171. A constable is liable to the party in whose favor an execution is issued to him for the amount thereof in the following cases:

1—Where he suffers thirty days to elapse without making a true return thereof to the Justice, and paying to him, or to the party entitled, the money collected thereon by him.

2—Where he wilfully and carelessly omits to levy on property within thirty days or if the defendant be liable to be imprisoned, then to arrest and commit him to jail of the county within thirty days.

Sec. 172. When and execution shall be returned unsatisfied for the want of goods and chattels, the Justice shall, unless otherwise directed by the party for whom the execution issued, commence an action on the undertaking for the stay of execution, and so soon as judgment is obtained thereon shall issue execution and if such execution be returned unsatisfied in whole or in part for want of goods and chattels of the bail whereon to levy, then the plaintiff may demand and have execution on the original judgment for the amount remaining due.

Sec. 173. Where bail is given for the stay of execution, and the defendant against whom the judgment was rendered shall die before the same is satisfied, the creditor may proceed against the surety in the undertaking in like manner as if execution had been issued against the defendant, and returned not satisfied for want of goods and chattels whereon to levy.

Sale on Execution.

Sec. 174. All property taken in execution under the provisions of this act, shall be advertised for sale, at four of the most public places within the township where such property was seized, at least ten days previous to the time appointed for such sale which sale shall be held between the hours of ten o'clock, A. M. and 4 o'clock, P. M., at the house, or on the premises, where such property was taken, or at one of the most public places within the township.

Sec. 175. It shall not be lawful for any Justice of the Peace who issued the execution, nor for the constable holding the execution, to purchase either directly or indirectly any property sold on such execution. Any Justice or constable who shall offend against the provisions of this section shall forfeit and pay, for every such offence, any sum not exceeding one hundred dollars; nor less than five dollars; to be recovered by civil action, in the name of the State of Ohio, before any court having jurisdiction thereof, for use of the township where such offence was committed; and shall moreover be liable to the action of the party injured thereby.

Sec. 176. When any cattle or live stock shall be taken in execution, it shall be the duty of the Justice who issued the execution, or other Justice charged with the duty of collecting the judgment; whereon such execution issued to allow the constable, for keeping of the same, a reasonable compensation; to be taxed and collected as other costs in the suit.

Sec. 177. When a constable shall levy on and sell any goods and chattels, he shall make out and annex to his return to the execution, in virtue of which such sale was made, a true inventory of all such property, and of each article thereof, and the price at which the same was sold; and for each and every neglect to return a true and accurate schedule or inventory of property sold, or remaining unsold for want of bidders, or other just cause, and if sold, the price at which the same was sold; each and every constable guilty of such neglect, shall forfeit and pay, on conviction thereof, any sum not exceeding one hundred dollars; to be recovered by action in the name of the State of Ohio, for the use of the party injured thereby, to be prosecuted before any court having cognizance thereof.

[CONCLUDED NEXT WEEK.]

Things are so linked together, that Dr. Francis says, that a rise of 25 per cent. in log-wood would ruin half the port wine dealers in the country.

Governor Wood's Farewell.

We find the following in the Plain Dealer of the 11th inst. We join the Plain Dealer in the hope that the Governor and those who accompany him may realize health and happiness, whilst absent, and return an unbroken circle:

"Gov. Wood will leave on the evening of the 12th for Valparaiso, accompanied by Mrs. Wood, Miss Mary Wood, Geo. B. Merwin, Mrs. Merwin, and their two children, Noble and Minerva. The party will remain in New York until the 29th, when they will take the regular steamer to Aspinwall. From thence, they go across the isthmus, by railroad about twenty-six miles, and by mules the rest of the way (about thirty miles) to Panama, where the British Mail steamer is ready to carry them on to Valparaiso. The whole passage will occupy not far from thirty days.

On behalf of the people of Ohio, and the many warm personal friends of the family, we earnestly hope that their sojourn at Valparaiso may be attended with health and happiness, and that they may be spared to return—an unbroken circle—to our welcoming midst.

The Governor, upon this occasion, has rightfully deemed it appropriate to take the following formal farewell of those who have so long supported and admired him in the various responsible offices which he has held under our State Government, and who sincerely share in the sorrow he so eloquently expresses.

It is gratifying to know that, though deprived of the 'Old Chief,' the gubernatorial office will fall into the hands of one who justly deserves the encomiums bestowed upon him. Those encomiums are fully endorsed by the Ohio Democracy, and will give resistless impulse to the coming campaign:

TO THE ELECTORS OF THE STATE OF OHIO: My resignation as Chief Magistrate, is filed in the office of the secretary of state, to take effect on the 15th instant.

In dissolving the official connexion that exists between us, a deep sense of gratitude prompts me, thus publicly, to express my acknowledgments to the people of Ohio, for their confidence and impartiality. A residence of thirty-five years in this State, the repeated evidences of friendship I have received, and so equivoally conferred; render Ohio and her people very near and dear to my heart.

I have been in the service of the State, in responsible positions, for a quarter of a century. I now retire from it, but leave the State Government highly prosperous in all its various departments.

I shall be succeeded in office by a gentleman of talents, of executive experience, and well known to our country, and no evils can result to the public from my resignation.

I leave Ohio for a far distant land, and with the deepest sorrow, but duty to my family requires the sacrifice. I shall ever feel the most lively interest in the welfare of our State, and in the prosperity and happiness of her people. Should Providence gratify in my wishes to return at some future time, I shall meet every citizen with true friendship, and I now leave him with sincere regret.

I leave in the fullest confidence, that those who shall hereafter direct your councils, will be actuated by patriotism and wisdom, and most ardently hope that High Heaven may confer on the People of this State, the choicest blessings.

I bid you an affectionate farewell.

REUBEN WOOD.

STARVATION IN SPAIN.—It appears that the miserable condition to which Ireland was reduced a few years ago, is paralleled by what is now taking place in Spain. A writer in the French paper says:

"In vain the venerable Bishop of St. Jacques, in presence of more than six hundred unfortunates resembling moving corpses, who daily beseege his gate, has sold his mules and carriage. In vain has he reduced himself and his servants to the merest necessities, in order to give the rest to those who perish with hunger. All that he or the other bishops and clergy, all that the government can do, according to the *Esperanza*, is but a drop of water to distinguish the conflagration. When we speak of the government however, we must remember that a last contribution made by it of 3,000,000 of reals, has not been distributed. In the mountains, the starving die by dozens, and in many places fevers of the most dangerous character are joined to the famine. Hundreds of sick die for want of nourishment and medicine. The streets of our cities are encumbered with old men and children, with the visages of corpses, covered with miserable rags and even worse, troubling themselves no longer except to die in quiet, and imploring with loud cries the succors of the public charity. At the gates of the Archiepiscopal Palace, more than a thousand people wait for daily bread; and I hear that one day lately 4,500 poor assembled to receive the alms distributed in the city by one gentleman."

DICKENS A WORKER.—Dickens is a real worker, as his works well prove. The last number of his "Household Words," says: "In the last year we have read nine hundred manuscripts, of which eleven were received and answered two thousand letters, and made appointments with an odd two or three hundred more of our fellow-citizens, than there were pounds to pay for the celebrated nails in the horse's shoes, which will go down to posterity rusty with the tears of school-boys."

War and rumors of war.—Russia against France, England and Turkey.

History of the American Flag.

The Albany Express gives the following interesting abstract of the history of our American colors, from an exceedingly interesting work by Capt. Schuyler Hamilton, U. S. A., recently published in Philadelphia, and entitled "History of the American Flag."

The first colors spoken of in connection with the American Revolution, were significantly enough called 'Union Flags.' No account is given of the devices upon them. They are frequently spoken of in the newspapers of 1774.

The Connecticut troops fixed upon their standards and their drums, in 1775, the motto, 'Qui Transiit Sustinet,' in letters of gold—literally, 'Go! who transplanted us hither, will support us.' This was the motto. Each regiment was distinguished by its color—blue, orange, &c., &c.

July 18, 1775, General Putnam—glorious 'old Put'—unfurled at Cambridge, Massachusetts, on the joyful occasion of the reception in that town of the Declaration of Independence a standard bearing this motto on one side, 'An Appeal to Heaven,' and on the other, 'Qui Transiit Sustinet.' This flag was flung to the breeze amid the roar of cannon and the shouts of the people. I was said at that time that 'the *Philadelpia* on Bunker's Hill heard the cheers of the *Israelites*, (*Israel* Putnam,) and being ferried, paraded themselves in battle array.' This flag was a red one, the signal of defiance or battle since the days of the Romans.

In September, 1775, Col. Moultrie unfurl a blue flag; with a crescent in one corner. This was the first American flag displayed in South Carolina, and was used at the taking of Fort Johnson, on James' Island. The crescent is the emblem of Sovereignty.

A Standard with a white ground, a pine tree in the middle, and the motto, 'Appeal to Heaven,' was adopted in 1775, as the Flag of the Floating Batteries.

On January 21, 1776—the day that gave birth to the New American Army—the flag designated as The Great Union Standard, was hoisted. This was the basis of the National Flag of the present day.

In 1776 was adopted the Standard to be used by the commander in chief of the American Navy, being a yellow field, with a lively representation of a rattlesnake in the middle, in the attitude of striking. Underneath these words—'Don't tread on me.'

The same year the Cruisers of the Colony of Massachusetts hoisted a white flag with a green pine tree, and the motto—'Appeal to Heaven.'

June 14th, 1777, Congress passed the following resolution:

Resolved, That the Flag of the Thirteen United States be thirteen stripes, alternate red and white; that the Union be thirteen stars, white, in a blue field, representing a new Constitution.

This was the origin of the National Flag of the United States—the glorious 'Stars and Stripes'—which has proudly waved, since that day, over many of the greatest victories of modern times; that stirs the blood of every true-hearted citizen whenever and wherever he beholds it floating in the breeze; that waves in every part of the world, and is everywhere respected, on sea and shore.

The above resolution was made public September 8, 1777. According to Col. Trumbull, the Flag made in pursuance of it was first used at the surrender of Burgoyne, October 17, of the same year.—This was a glorious beginning, truly, for that was one of the most important victories of the American arms during the Revolution.

The first change in the national colors was directed in the following enactment of Congress, adopted January 13, 1794:

"Be it enacted, &c., That from and after the first day of May, 1795, the Flag of the United States be fifteen stripes, alternate red and white; that the Union be fifteen stars, white, in a blue field."

This was the Flag of the United States during the war of 1812-14.

In 1818, the Flag of the United States was again altered. On the suggestion of the Hon. Mr. Wendover, of the State of New York, a return was made to thirteen stripes, as it was anticipated the the Flag would become unwieldy if a stripe was added on the admission of each State; and, moreover, by the plan proposed, it was the Union of the old thirteen States, as well as the number of States comprising the existing Union, would be presented by the Flag of the United States. Mr. W. also proposed the arrangement of the stars in the Union into the form of a single star.

The resolution of 1818 was as follows: Resolved, That from and after the 4th day of July next the Flag of the United States be thirteen horizontal stripes, alternate red and white; that the Union be twenty stars, white on a blue field; and that, on the admission of a new State into the Union, one star be added to the Flag; and that such addition shall take effect on the Fourth day of July succeeding such admission.

The Flag planted on the National Palace in the city of Mexico had thirty stars in the Union. It is now deposited in the Department of State at Washington.

The Union of the Flag of the United States now contains thirty-one stars.

PROSPECT OF WAR.—By the tele